

In the High Court of Punjab and Haryana at Chandigarh

**T.A. No. 277 of 2015
Date of Decision: March 03, 2016**

Nisha @ Preeti

... Applicant

Versus

Naresh Kumar

... Respondent

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Ms. Sukhpreet Kaur, Advocate,
for the applicant.

Mr. Samir Rathaur, Advocate,
for the respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant application has been filed under Section 24 of the Code of Civil Procedure, 1908 for transfer of petition bearing No. HMA/27/2015, under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the “Act”), filed by the respondent titled as “Naresh Kumar vs. Smt. Preeti @ Nisha”, pending in the Court of learned District Judge, Fatehabad to the court of competent jurisdiction at Kapurthala.

Learned counsel for the applicant contends that respondent-husband filed a petition under Section 13 of the Act for dissolution of marriage, which is pending before the learned District Judge, Fatehabad. Learned counsel further contends that the applicant has no source of income. Learned counsel further contends that the applicant is residing at her parental house situated in District Kapurthala and it is not convenient

for her to travel from Kapurthala to Fatehabad to defend proceedings instituted by the husband. Petition under Section 125 of the Code of Criminal Procedure, 1973, filed by the applicant, is pending against the respondent at Phagwara, District Kapurthala. Learned counsel for the applicant relied upon a judgment of Hon'ble Supreme Court in **Deepti Bhandari vs. Nitin Bhandari and another, 2012 (1) R.C.R. (Civil) 506** and contended that it would be easier for the respondent-husband to attend the proceedings in Kapurthala, than for the applicant to attend the same in Fatehabad. Therefore, petition under Section 13 of the Act may be transferred to Kapurthala.

Per contra, learned counsel for the respondent vehemently opposes the contentions raised by learned counsel for the applicant.

In view of the submissions made by learned counsel for the applicant, the circumstances mentioned in the application, pendency of other proceedings between the parties at Phagwara, which is Sub Division and near to Kapurthala and keeping in view the decision of Hon'ble Supreme Court in **Deepti Bhandari (supra)**, this Court is of the view that it would be in the interest of the respondent as well that all proceedings are tried at one place as he will not be required to appear at different places on different dates. Accordingly, petition under Section 13 of the Act filed by the respondent titled "Naresh Kumar vs. Smt. Preeti @ Nisha", pending in the Court of learned District Judge, Fatehabad is withdrawn and ordered to be transferred to learned District Judge, Kapurthala, who may assign the same to the Court of competent jurisdiction there. Learned District Judge, Fatehabad shall ensure that entire record of the case is sent to learned District Judge, Kapurthala

Parties are directed to appear before the Court of learned District Judge, Kapurthala on 22.03.2016. Parties will be at liberty to make a request to the concerned courts for fixing both the afore-mentioned cases on one date. If such a request is made, the Courts shall make an endeavour to fix same date in both the aforementioned cases.

Disposed of.

March 03, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge